IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 535 OF 2004

M/S KAI-TECH CONSTRUCTIONS PVT.LTD.,MARGAO GOA ....Petitioners

Versus

THE CHIEF ENGINEER,KONKAN RAILWAY CORPORATION LTD. ....Respondents

Mr. V. R.Tamba with Mr. P. K. Shahapurkar, advocates for the petitioner.

Coram:- R. M. LODHA, J.

Date:- 31st August, 2005

P.C.

Heard Mr. V. R. Tamba, learned counsel for the petitioner and perused the communication dated 13th April, 2004, whereby the petitioner was communicated that the application dated 16th February, 2004 has been rejected.

The learned counsel for the petitioner urged before me that the Arbitral Tribunal was not right in holding that by application dated 16th February, 2004, the petitioner sought review of the Award dated 15th January, 2004. According to the learned counsel the application dated 16th February, 2004 was under Section 33(4) of the Arbitration and Conciliation Act, 1996.

The submission of the learned counsel for the petitioner hardly merits acceptance. A persual of the application dated 16th February, 2004 leaves no manner of doubt that by the said application, the petitioner sought review of the Award dated 15th January, 2004. The application made by the petitioner does not fall under Section 33(4)of the Arbitration and Conciliation Act, 1996, as contended.

The Writ Petition does not deserve to be admitted.

The Writ Petition is dismissed in limine.

R. M. LODHA, J.